



# UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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Filed by: Michael P. Tierney  
Telephone: 571-272-4683  
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Applicant: Dickinson  
Application No.: 10/668,840  
Filed: September 23, 2003  
For: Aerosol Composition

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105573.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Michael P. Tierney/  
MICHAEL P. TIERNEY  
Administrative Patent Judge

## INTERFERENCE DIGEST

Interference No. 1055731

Paper No.

Name: Dickinson, et al.

Serial No.: 10/668,840

Title: Aerosol Composition

Filed: September 23, 2003

Interference with: Adjei, et al.

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_

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Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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This should be placed in each application or patent involved in interference in addition to the interference letters.

Mail Stop Interference  
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Filed: 9 July 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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**AKWETE ADJEI AND ANTHONY J. CUTIE**  
Junior Party  
(U.S. Reexamination Certificate 6,136,294 C1),

v.

**PAUL ALFRED DICKINSON AND SIMON JOHN WARREN**  
Senior Party  
(U.S. Application 10/668,840).

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Patent Interference No. 105,573 (MPT)  
(Technology Center 1600)

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**DECLARATION - Bd.R. 203(b)<sup>1</sup>**

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<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. '41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1           **Part A. Declaration of interference**

2           An interference is declared (35 U.S.C. § 135(a)) between the above-  
3 identified parties. Details of the application(s), patent (if any), reissue application  
4 (if any), count(s) and claims designated as corresponding or as not corresponding  
5 to the count(s) appear in Parts E and F of this DECLARATION.

6           **Part B. Judge managing the interference**

7           Administrative Patent Judge Michael P. Tierney has been designated to  
8 manage the interference. Bd. R. 104(a).

9           **Part C. Standing order**

10          A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
11 DECLARATION. The STANDING ORDER applies to this interference.

12          **Part D. Initial conference call**

13          A telephone conference call to discuss the interference is set for **2:00 p.m.**  
14 on **August 29, 2007** (the Board will initiate the call).

15          No later than four business days prior to the conference call, each party shall  
16 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;  
17 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18          A sample schedule for taking action during the motion phase appears as  
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the

1 schedule prior to the conference call and to agree on dates for taking action. A  
2 typical motion period lasts approximately eight (8) months. Counsel should be  
3 prepared to justify any request for a shorter or longer period.

4 **Part E. Identification and order of the parties**

5 Junior Party

6 Named inventors: AKWETE ADJEI, BRIDGEWATER, NJ

7 ANTHONY J. CUTIE, BRIDGEWATER, NJ

8 Involved Patent: Reexamination Certificate 6,136,294 C1, issued  
9 September 24, 2002 from Reexamination Request  
10 90/006,032, filed June 8, 2001

11 Title: Amino Acid Stabilized Medical Aerosol  
12 Formulation

13 Assignee: Aeropharm Technology Incorporated  
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1 The parties are accorded the following benefit for Count 1:

2 Dickinson is accorded the following benefit:

- 3 i) U.S. Application 09/647,331, filed January 30, 2001, now U.S.  
4 Patent 6,737,044, issued May 18, 2004;
- 5 ii) PCT/GB99/01019, filed April 1, 1999;
- 6 iii) GB 9807232.5, filed April 3, 1998

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8 Adjei is accorded the following benefit:

- 9 i) U.S. Application 09/158,369, filed September 22, 1998, issued  
10 as U.S. Patent 6,136,294 C1 on September 24, 2002.



1           **Part G. Heading to be used on papers**

2           The following heading must be used on all papers filed in this interference,  
3 see SO ¶ 106.1.1:

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5                   UNITED STATES PATENT AND TRADEMARK OFFICE  
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8                               BEFORE THE BOARD OF PATENT APPEALS  
9                               AND INTERFERENCES  
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11  
12                               AKWETE **ADJEI** AND ANTHONY J. CUTIE  
13                               Junior Party  
14                   (U.S. Reexamination Certificate 6,136,294 C1),  
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16                               v.  
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18                               PAUL ALFRED **DICKINSON** AND SIMON JOHN WARREN  
19                               Senior Party  
20                   (U.S. Application 10/668,840).  
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23                               Patent Interference No. 105,573 (MPT)  
24                               (Technology Center 1600)  
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